

**RULES
OF
DEPARTMENT OF REVENUE
ALCOHOL AND TOBACCO TAX DIVISION**

**CHAPTER 560-2-2
GENERAL PROVISIONS**

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560-2-2-.10 Outside Delivery of Drinks.

(1) A retail consumption dealer shall not sell or permit the sale of beverage alcohol except within the licensed premises under its exclusive custody and control. For purposes of this Regulation the term "Licensed Premises" shall also include an area that is directly adjacent and contiguous to the licensed premises provided such area:

- (a) Is approved by the Local governing authority.
 - (b) Has the same address of the licensed premises.
 - (c) Is owned or leased and is exclusively controlled by the retail consumption dealer.
 - (d) Is not public domain nor is the area only nominally under the exclusive control of the retail consumption dealer.
 - (e) Is served from the same bar or serving location that permanently services the leased premises.
- (2) Any area not under the exclusive custody and control of the retail consumption dealer shall not be a part of any licensed premise. Beverage alcohol may not be sold, served, or delivered in nor into or within such area.

(3) Any area under the exclusive custody and control of the retail consumption dealer that is not directly adjacent and contiguous to the licensed premises shall be deemed not part of the licensed premises and subject to Regulation 560-2-3-.12.

(4) A retail consumption dealer shall be responsible for:

(a) All sale, delivery or service of beverage alcohol through any window, door, or other opening in the licensed premises.

(b) Consumption and possession of all beverage alcohol by any person located on the licensed premise.

Authority O.C.G.A. §§ 3-2-2 and 48-2-12.

560-2-2-.43 Charitable Events; Organizations.

(1) Bona fide non-profit charitable and civic organizations desiring to sell alcoholic beverages may apply, on forms furnished by the Commissioner, for a permit authorizing the organization to sell or distribute alcoholic beverages for consumption only on the premises for a period not to exceed one day. Applications for such temporary permit must include a copy of an official document such as nonprofit certification by the Internal Revenue Service or constitution and by-laws of the organization, or a corporate charter which clearly states the purpose of the organization and a letter of authorization for the event from local governing authorities.

(2) Except as provided in this paragraph, manufacturers, brokers, importers, shippers, wholesalers and retailers shall not make any donations of beverage alcohol to any nonprofit charitable or civic organization that has obtained a one day permit. Where a nonprofit

charitable or civic organization has obtained a one-day permit, wholesalers shall be authorized to make donations of alcoholic beverages, obtained through proper distribution channels and upon which all applicable state and local taxes have been paid, to such non-profit charitable and civic organizations. No alcoholic beverages shall be donated to a non-profit charitable or civic organization unless such organization has the appropriate state license or permit. The amount of such donations shall not exceed the amount necessary for the event for which a one day permit has been obtained.

(3) At the request of a non-profit charitable or civic organization that holds a special event permit, , brokers, importers, shippers, manufacturers or wholesalers may donate services to the organization by having permitted representatives provide pouring services and product information during any permitted event. In addition to the responsibility of the employing licensee and the permitted representatives, the permit holder shall be responsible for all acts or omissions of any permitted representatives providing services during an event.

(4) Provided a permit has been issued to a non-profit charitable or civic organization, said organization shall be considered the same as any other licensee and subject to all laws, rules and regulations relating thereto.

(5) Nothing herein shall prohibit cash donations to charitable and civic organizations provided such donation is unconditional and not related to the purchase of a particular brand or label of beverage alcohol.

Authority O.C.G.A. §§ 3-2-2 and 48-2-12.

560-2-2-.53 Delivery Vehicle Requirements.

(1) Except for military deliveries as provided in Rule 560-2-6-.05 of these regulations and except for emergency movements as provided in Rule 560-2-2-.19 of these Regulations, all transportation of beverage alcohol from one point within Georgia to another point within Georgia shall be by common carrier unless otherwise set forth herein.

(2) A licensed manufacturer may transport its product to a wholesaler under the same provisions as set forth in this regulation for a licensed wholesaler provided such manufacturer has filed form ATT-148 with the Department.

(3) A licensed wholesaler may only transport beverage alcohol in vehicles owned or leased by such wholesaler. A beverage alcohol wholesaler may also transport beverage alcohol in vehicles owned or leased and operated by a wholesaler's employee. Any vehicle used to transport beverage alcohol, whether owned by the wholesaler or by an employee of a wholesaler, shall be properly identified. Proper identification shall include the wholesaler's trade name or state license number in a conspicuous place on each side of the vehicle; the lettering for same shall be not less than 2 inches in height and not less than 1 inch in width, and clearly spaced so as to be clearly visible when read from a reasonable distance. Each wholesaler shall notify the Commissioner of the type and content of any vehicle markings utilized.

(4) Beverage alcohol shall not be received, stored ,or delivered to any place other than the premises for which a license has been issued.

Authority O.C.G.A. § 3-2-2.

560-2-2-.55 Trade Show.

(1) For purposes of this regulation, the term "trade show" is defined to be an exhibition organized and hosted by a licensed wholesaler, broker, importer, shipper or manufacturer for the purpose of providing information regarding new alcoholic beverage products.

(a) A wholesaler, broker, importer, shipper or manufacturer may conduct 6 trade shows per calendar year at its licensed premises or at a retailer consumption dealer's premises.

(b) A trade show hosted by a broker, importer, shipper or manufacturer can be attended only by wholesalers and their employees within the broker's, importer's, shipper's or manufacturer's sales territory.

(c) A trade show hosted by a wholesaler can only be attended by:

1. Licensed manufacturer's representatives.
2. Bona fide Journalists.
3. Retailers and retail consumption dealers and their respective employees within the wholesaler's sales territory.

Wholesalers, manufacturers, shippers, importers, brokers, and their representatives and agents can accept orders for product. Sale and delivery shall not occur at the trade show.

(e) A licensed representative of any broker, importer, shipper, manufacturer or wholesaler, at the request of the host licensee, may provide pouring services and product information during any trade show. The trade show host together with the employing licensee and the permitted representatives shall be responsible for all acts or omissions of any representative providing service at the trade show.

(2) A party seeking to conduct a trade show shall make a request in writing to the Commissioner with the following documents and materials:

(a) A valid license or authorization, if required, from the appropriate local governing authority granting authority to conduct such trade show.

(b) A signed statement from the wholesaler, broker, importer, shipper or manufacturer in substantially the following format:

Date: _____
Time: Begin: _____ End: _____
Location Name: _____
Address: _____

(city) (state) (zip code)

The undersigned hereby affirms that:

1. The excise tax, on all alcohol beverages at the trade show, has been paid and documentation of payment will be available at the trade show.
2. All (retailers/retail consumption dealers) (wholesalers) within the undersigned sales territory have been invited to the event.
3. The event is without charge or cost of any kind to the attendees.

4. The host is paying “fair market value” for the use of any retail licensed premises.
5. All participants will be or have been advised in writing that participant may order only and shall not receive shipment of orders for product onsite.

Signed: _____

Date: _____

Name: _____

(print or type)

Title: _____

Company Name: _____ Ga. License No. ____

(3) All trade shows shall be approved by the Commissioner or Agents of the Department. Failure to receive written notification from the Commissioner within (fifteen) 15 days from the date of receipt by the Commissioner will be deemed a decision to deny the request.

Authority O.C.G.A. Sec. 3-2-2. **History.** Original Rule entitled “Trade Show” adopted. F. Feb. 26, 2007; eff. Mar. 18, 2007.

560-2-2-.56 Trade Practices – Inventory Rotations; New Brands; Displays and Bins.

(1) No wholesaler, or anyone acting on its behalf, shall alter, disturb, move, rearrange, or remove any beverage alcohol within any premise of a retailer or retail consumption dealer. However, in a retail business wherein a malt beverage wholesaler has been assigned specific cooler and/or shelf space, the malt beverage wholesalers may affix the price, as designated by the retailer, and place their brand in an assigned specific cooler and/or shelf space. Wholesaler personnel cannot subsequently change or alter the retail price information affixed to beverage alcohol at time of delivery.

(2) A malt beverage wholesaler may rotate its inventory within the premise of a retailer including storerooms, product displays, warm shelves, and coolers.

(3) Upon the introduction of a new brand or label of beverage alcohol for distribution and sale in this state, or within a wholesaler’s sales territory, wholesalers, at the request of a retailer or retail consumption dealer, may assist in rearranging available cooler and/or shelf space which has been previously assigned to the wholesaler. Such service is permitted only within sixty (60) calendar days of date of receipt of first shipment of the brand or label by the wholesaler and is limited to the rearranging of the wholesalers’ designated brands or labels.

(4) Permitted sales representatives of wholesalers, brokers, importers, and manufacturers may deliver generic point-of-sale displays and bins to retailers provided

such displays are made available to all retailers and retail consumption dealers on equal terms.

(5) The construction of floor displays and bins on the premises of a retailer or retail consumption dealer are permitted as part of the wholesaler's marketing function. The construction or setup of displays and bins include stocking the display with beverage alcohol products.

(6) No wholesaler, broker, importer, manufacturer, or any of their employees or agents shall alter, disturb, block, or in any way impede the property of any other wholesaler or the products or displays relating to products offered by other wholesalers.

(7) Wholesalers are not permitted to shelve beverage alcohol contained in a display or bin.

(8) Except as provided in paragraph 3 of this regulation, all services authorized to be performed by a wholesaler on or within the premises of a retailer or retail consumption dealer must be performed within five business days (excluding state holidays and Sunday) after the date of delivery by the wholesaler, its employees, agents, or contractors. Wholesalers shall maintain written copies of their schedules for a subsequent period of three calendar years and make such schedules available to the Commissioner upon request.

Authority O.C.G.A. §§ 3-2-2 and 3-2-6.

560-2-2-.57 Trade Practices – Inventory Set and Resets; Notification.

(1) Wholesalers are permitted to conduct a single set of beverage alcohol at each retailer's or retail consumption dealer's location.

(2) Wholesalers are permitted to conduct the resetting of malt beverage once per calendar year at each retailer's or retail consumption dealer's location.

(3) Each retailer or retail consumption dealer shall notify the Department in writing by U.S. Mail, fax, or electronic mail and all applicable wholesalers of such sets or resets no less than (ten) 10 business days prior to the scheduled date. Participation in a scheduled set or reset by any wholesaler is completely voluntary subject to equal terms being available to all wholesalers.

(4) A set or reset may only be performed Monday through Friday from 7:00 a.m. to 7:00 p.m., excluding state holidays.

(5) During a set or reset a wholesaler may move or touch only its designated products.

Authority O.C.G.A. §§ 3-2-2 and 3-2-6.

560-2-2-.58 Trade Practices – Point-of-Sale Advertising

(1) A wholesaler, broker, importer, or manufacturer is only authorized to distribute to a retailer, without cost, generic point-of-sale advertising materials for use inside the licensed premises.

(a) The materials may be provided without charge for use inside a retail location to attract consumer attention to specific beverage alcohol products. All such materials shall be available on equivalent terms to all accounts of the wholesaler.

(b) Where products are not generic point-of-sale advertising materials within the meaning of this regulation, or the products are intended for exterior use, such materials must be invoiced to the retailer or retail consumption dealer and paid for based upon fair market value.

(2) Generic point-of-sale advertising materials do not include items for use that are of a permanent or semi-permanent nature, are constructed or created on the premise of a retailer or retail consumption dealer, are affixed or attached in any way to the exterior premise, and that refer specifically to a retailer or retail consumption dealer.

(3) It shall be a violation by the retailer or retail consumption dealer to use any point-of-sale material provided without charge on the exterior of their premises.

(4) A wholesaler, broker, importer, or manufacturer who performs any service or provides general point-of-sale advertising items to retailers shall make such service or items available on equal terms to all retailers or retail consumption dealers within its designated sales territories.

Authority O.C.G.A. §§ 3-2-2 and 3-2-6.

560-2-2-60 Sale Limitation; Delivery.

(1) Licensed wholesalers shall sell only to licensed wholesalers, retailers or retail consumption dealers holding a valid license.

(2) All sales of beverage alcohol shall be delivered only to the premises of such retailers or retail consumption dealers by a vehicle leased, owned, or authorized by these regulations and operated by a wholesaler with a proper state-issued license or permit to

make sales and deliveries within the municipality or county in which the sale and delivery occurs.

(3) Beverage alcohol sold shall not be received, stored, or delivered to any other place than the premises for which a retailer or retail consumption license has been issued.

(4) It shall be a violation of these Regulations for any wholesaler to sell or deliver brands of beverage alcohol in a territory designated to another wholesaler for such brands.

Authority O.C.G.A. § 3-2-2.

560-2-2-.63 Manufacturer Representatives Authorization to Contact Wholesalers and Retailers.

(1) Representatives of a manufacturer shall be authorized to contact wholesalers and retailers and retail consumption dealers for purposes of carrying on business in beverage alcohol in this State.

(2) No person shall be a representative of a licensed manufacturer unless:

(a) The employing manufacturer shall have notified the Department of the person's appointment as a representative.

(b) The representative has completed and filed under oath an application for a permit as such in the form prescribed by the Commissioner, together with the permit fee of \$10.00 annually; and

(c) The representative has received the permit for which the application is made from the Commissioner. The permit shall expire upon notice to the Commissioner by the manufacturer that it no longer employs the representative.

(3) It shall be a violation of this regulation for a representative of a licensed manufacturer to:

(a) Engage in any activity that is in violation of the laws or regulations of any federal, state, county or municipal governing authority or regulatory agency; and/or

(b) Cause beverage alcohol to be delivered to an unlicensed place of business.

(4) A representative of a licensed manufacturer violating these regulations may be cited to show cause why his or her permit should